

FILED

MAY 26 2005

RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MONA C. SOO HOO
Attorney at Law
California Bar No. 108859
One Wilshire Building
624 South Grand Avenue
Twenty-Second Floor
Los Angeles, California 90017-3323
Telephone 213.623.5255; Facsimile 213.623.3836
E-address: msoohoo@earthlink.net

Attorney for Defendant NAGATOSHI MORIMOTO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	NO. 3-05-70216-JCS
)	
Plaintiff,)	STIPULATION FOR ORDER FOR FURTHER
)	CONTINUANCE OF INITIAL APPEARANCE
v.)	IN NORTHERN DISTRICT OF CALIFORNIA;
)	[PROPOSED] ORDER
NAGATOSHI MORIMOTO,)	
)	
Defendant.)	Current hearing date: 6/9/05, 9:00 A.M.
)	Proposed hearing date: 7/11/05, 9:00 A.M.

Plaintiff United States of America, by and through its counsel, Assistant United States Attorney Stacey P. Geis, and defendant Nagatoshi Morimoto, by and through his counsel of record, Mona C. Soo Hoo, hereby stipulate as follows:

1. This matter arises from the arrest of the defendant in the Central District of California, pursuant to an out-of-district complaint and associated warrant for arrest issued by United States Magistrate Judge Joseph C. Spero of the United States District Court for the Northern District of California, in the instant case, *United States of America v. Nagatoshi Morimoto*; Case No. 3-05-70216-JCS.

2. On April 11, 2005, Mr. Morimoto made his initial appearance before the United States District Court for the Central District of California, Chief Magistrate Judge, the Honorable Robert N. Block presiding. The court set bail by giving the defendant the option of posting a one hundred thousand dollar (\$100,000.00) collateral bond on his own signature; or, in the alternative, an appearance bond in the same amount, fully justified with an affidavit of sureties. Mr. Morimoto was ordered released upon signing the bond, and, he was given until April 25, 2005 to meet other stated conditions of release and to post the bond.

1 3. With the assistance of a Japanese language interpreter, Mr. Morimoto was fully advised of
2 and discussed with his attorney, Mona C. Soo Hoo, his right to arrival of process, to a removal
3 proceeding, and, to a preliminary hearing pursuant to Rule 5(c)(3) of the Federal Rules of Criminal
4 Procedure. Those rights were waived in writing and on the record in open court on April 11, 2005.
5 The court ordered Mr. Morimoto to appear at the Clerk's Office of the United States District Court for
6 the Northern District of California on or before 9:00 a.m. on May 9, 2005, or, on such other date and
7 time by agreement with the prosecutor, Assistant United States Attorney Stacey Geis, counsel for the
8 plaintiff, United States of America.

9 4. Mr. Morimoto was released from custody on April 12, 2005, and the collateral bond was
10 posted, approved, and filed on April 21, 2005, all conditions having been satisfied. The bond was
11 ordered transferred to the Northern District of California, at San Francisco.

12 5. On May 3, 2005, United States Magistrate Judge Elizabeth D. Laporte entered an order,
13 pursuant to the stipulation of the parties, and continued the defendant's initial appearance before the
14 United States District Court for the Northern District of California from May 9, 2005 to June 9, 2005,
15 at 9:00 a.m.

16 6. Assistant United States Attorney Stacey Geis is scheduled to have back surgery on May 19,
17 2005. The recovery time is up to six weeks. At a minimum, the doctors have informed Ms. Geis that
18 she cannot return to work for at least three weeks.

19 7. On May 17, 2005, counsel for defendant Morimoto received discovery from ICE Special
20 Agent Jason Engelbertson; specifically, a lengthy audio-tape of an interview of Mr. Morimoto. It is
21 believed that the interview was conducted in the Japanese language with the assistance of a Japanese
22 language interpreter. It will be necessary for defense counsel to review the tape with her client, Mr.
23 Morimoto, also with the assistance of a Japanese language interpreter.

24 8. The further continuance requested herein is also requested to allow time for counsel to meet
25 and confer relative to a potential pre-filing resolution; or, a possible Rule 20 resolution of this matter.
26 In the alternative, it will enable the parties to properly prepare for the initial appearance in the
27 Northern District of California, if necessary.

28 9. By this stipulation, the parties respectfully request that the court continue the proceedings
on the defendant's initial appearance in the Northern District of California to July 11, 2005 at 9:00

1 a.m.

2 10. Based upon the foregoing, the potential savings to judicial resources and the ends of
3 justice served by continuing the proceedings as requested outweigh the interest of the public in the
4 prompt disposition of criminal cases, as described in the Federal Rules of Criminal Procedure.

5 IT IS SO STIPULATED AND AGREED.

6 KEVIN V. RYAN
United States Attorney

7 5/19/05
8 DATE

WJGE /for
9 STACEY GEIS
Assistant United States Attorney
Attorneys for Plaintiff
UNITED STATES OF AMERICA

10 5.18.05
11 DATE

Mona C. Soo Hoo
12 MONA C. SOO HOO
Attorney for Defendant
NAGATOSHI MORIMOTO

13
14 [PROPOSED] ORDER

15 FOR GOOD CAUSE SHOWN, based upon the need for further preparation of counsel,
16 continuity of counsel, and pursuant to the stipulation of the parties,

17 IT IS HEREBY ORDERED that the initial appearance of Defendant Nagatoshi Morimoto in
18 Case No. 3-05-70216-JCS in the United States District Court for the Northern District of California,
19 currently set for June 9, 2005 at 9:00 a.m., is hereby adjourned; and, instead, said initial appearance
20 shall be held on July 11, 2005 at 9:00 a.m., or on such other date and time as agreed to by the parties
21 and approved by the court.

22 DATED: May 23, 2005

Elizabeth D. Laporte
UNITED STATES MAGISTRATE JUDGE

23 Elizabeth D. Laporte
24
25
26
27
28